

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

<b>In the Matter of</b>	)	
	)	
<b>Revision of the Commissions' Rules to</b>	)	<b>CC Docket No. 94-102</b>
<b>Ensure Compatibility with Enhanced 911</b>	)	
<b>Emergency Calling Systems</b>	)	
	)	
<b>Phase II Compliance Deadlines for</b>	)	
<b>Non-Nationwide CMRS Carriers</b>	)	
 <b>To: Wireless Telecommunications Bureau</b>		

**REQUEST FOR ADDITIONAL LIMITED WAIVER  
AND EXTENSION OF THE HANDSET PENETRATION DEADLINE  
OF THE COMMISSION'S PHASE II E911 RULES**

California RSA No. 3 Limited Partnership d/b/a Golden State Cellular ("Golden State Cellular"), by its attorneys and pursuant to 47 C.F.R. §1.925, hereby respectfully requests an additional limited waiver and extension of time to comply with Section 20.18(g)(1)(v) of the Commission's rules regarding Phase II of Enhanced 911 ("E911") services, 47 C.F.R. §20.18(g)(1)(v), which requires Tier III carriers who employ a handset-based Phase II solution to achieve a location-capable handset penetration rate among subscribers of at least 95%.<sup>1</sup>

Golden State Cellular diligently encourages its rural subscribers to exchange older handsets for Phase II capable handsets. Efforts have yielded a penetration level of 90%, and Golden State Cellular believes the 95% level is achievable within six months. The existing deadline of December

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<sup>1</sup> Revision of Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; Phase II Compliance Deadlines for Non-Nationwide Carriers, CC Docket 94-102, *Order To Stay*, 17 FCC Rcd 14841 (2002) (*Non-Nationwide Carriers Order*).

15, 2006 for achieving the 95% subscriber penetration requirement will not be met despite the carrier's best efforts at promoting subscriber handsets with automatic location identification ('ALI') features. For reasons stated herein, Golden State Cellular requests an additional six months, until June 15, 2007, to meet the 95% penetration requirement.

## **I. Background**

Golden State Cellular is a Tier III cellular carrier operating in Cellular Market Area 338 - California Rural Service Area 3B - Alpine ("CA RSA 3"). Golden State Cellular was conditionally granted an extension through December 15, 2006, to comply with Section 20.18(g)(1)(v) of FCC rules, 47 C.F.R. § 20.18(g)(1)(v), in *Order*, CC Docket No. 94-102, FCC 05-201, released December 15, 2005. Golden State Cellular has achieved a location-capable handset penetration rate among subscribers of about 90%, but does not expect to meet its projections of achieving a location-capable handset penetration rate among subscribers of 95% by December 15, 2006.

Golden State Cellular operates a Code Division Multiple Access ("CDMA") digital network through most of its service area. All new construction is based on the CDMA air interface. Nevertheless, many subscribers remain dependent upon the legacy analog network. In support of the need for additional time to meet its 95% penetration deadline, the following is submitted.

## **II. Golden State Cellular Has Demonstrated Good Faith in Complying with the E911 Requirements**

Golden State Cellular has a history of compliance with the FCC's wireless E911 requirements. It has met all of the location-capable handset sale and activation benchmarks set forth in FCC Rule Section 20.18(g)(i)-(iv). Although 100% of all new digital handsets activated on

Golden State Cellular's system are location-capable, customer acceptance of location-capable handsets is slow.

Golden State Cellular diligently encourages subscribers to adopt personal equipment upgrades. Promotional campaigns market new handsets and promote the benefits of early renewal for customers who trade in analog and older, non-ALI-capable CDMA handsets. The campaigns offer free phones with a contract. Direct mail alerts and targeted messages on customer invoices inform customers of the advantages of upgrading to location-capable handsets. Representatives in Golden State Cellular's retail stores promote the benefits of location-capable phones. They affirmatively request customers to switch from analog to the new CDMA system and to upgrade older CDMA handsets.

Handset upgrades are also encouraged via print ads, phone calls to customers, Golden State Cellular's web site and signage on premises. Ads emphasize the benefit of early renewal for converting customers and the safety and coverage advantages of the CDMA system. The campaigns offer free upgrades and discounts. Promotions for phones with cameras, ringtones, color screens and other features are designed to entice customers to upgrade their handsets.

### **III. Golden State Cellular Has Deployed E911 Phase II Data to all Requesting PSAPs**

Five Public Safety Answering Points ("PSAPs") are located within Golden State Cellular's five-county service area. Golden State Cellular is transmitting Phase II E911 data to the five PSAPs, all of whom are capable of receiving and utilizing Phase II data through the coordination and routing services of the California Highway Patrol. An exception is in the area of the Yosemite National

Park, where the calls are routed through the Yosemite National Patrol. The Yosemite National Patrol has not yet requested Phase II service, and none has been deployed in the Park.

The single point of contact in California for carriers concerning wireless E911 matters is William Harry, Wireless E911/GIS Project Coordinator for the E911 Emergency Communications Office, Department of General Services of the State of California. Golden State Cellular stays in direct and regular contact with Mr. Harry with regard to the carrier's progress in achieving a higher location-capable handset penetration rate. Jan Opie, Product Development Manager for Golden State Cellular, updates Mr. Harry on Golden State Cellular's penetration rate and Phase II deployment matters. Mr. Harry's Department has agreed to Golden State Cellular's schedule for converting handsets and achieving a 95% penetration rate of locations-capable handsets. Attached is electronic correspondence from Mr. Harry demonstrating express, written consent to the proposed extension.

#### **IV. The Public Interest Will Be Served by a Limited Waiver and Extension of the Penetration Deadline**

In light of the slower than anticipated pace of conversion of subscribers adopting new location-capable handsets, Golden State Cellular requests a further limited extension of the penetration deadline until June 15, 2007.

Grant of an additional limited waiver and extension of time for Golden State Cellular to comply with 47 C.F.R. §20.18(g)(1)(v) will serve the public interest. An extension of the penetration deadline is warranted given the unique facts and circumstances of Golden State Cellular's position. Section 106(a) of the Act requires the Commission is to grant a waiver to Tier III carriers "if strict enforcement of the 95% subscriber penetration requirements would result in consumers having

decreased access to emergency services.”<sup>2</sup>

If not granted a further waiver, Golden State Cellular will have to cease or mitigate legacy operations in order to achieve the 95% penetration figure and avoid FCC enforcement action. Cellular coverage will be denied to persons in mountainous, rural areas who depend upon analog and non-ALI-capable CDMA communications devices for safety and for elementary contact with other persons. Without use of their older handsets the customers would be unable to place calls, including calls to 911 for basic and Phase I emergency services.

Presently, about 5.7% of Golden State Cellular’s subscribers reside in areas served by analog signal only, found inside the Yosemite National Park and in low lying pockets of the Sierra Nevada Mountains. Golden State Cellular will continue to support analog service at least until February 18, 2008, in accordance with FCC Rule Section 22.901(b). Analog users would be denied access to Phase II E911 services if Golden State Cellular is required to prematurely minimize their existing service in order to comply with FCC rules.

Golden State Cellular respectfully requests review under the *Enhance 911 Act* waiver standard. The alternatives to waiver would result in consumers having “decreased access to emergency services.” Subscribers would be deprived of basic 911 services for having failed to voluntarily upgrade their handsets. Enforcement of the existing 95% deadline could result in reduction of the analog network capacity and/or disconnection of users of non-ALI-capable CDMA handsets.

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<sup>2</sup> In December 2004 Congress enacted the Ensuring Needed Help Arrives Near Callers Employing 911 Act of 2004 (*Enhance 911 Act*). The *Enhance 911 Act* directs the Commission to grant qualified Tier III carriers’ requests for relief of the ninety-five percent penetration deadline for location-capable handsets, as set forth in Section 20.18(g)(1)(v) of the Commission’s Rules, if “strict enforcement of the requirements of that section would result in consumers having decreased access to emergency services.”

Generally, a waiver is appropriate when special circumstances warrant a deviation from the general rule, and such a deviation will serve the public interest.<sup>3</sup> The Commission has established standards to be used when acting upon requests for a waiver of E911 deadlines and obligations.<sup>4</sup> The Commission may afford relief of wireless E911 Phase II deadlines when the requesting carrier has met the Commission's standard for waiver of the rules.<sup>5</sup> Requests for waiver of E911 requirements are justified if appropriately limited, properly supported and consistent with waiver standards.<sup>6</sup>

The Commission has held that it will grant waiver requests that are specific, focused, and limited in scope, with a clear path to full compliance.<sup>7</sup> The Commission has stated that carriers should undertake concrete steps necessary to come as close as possible to full compliance and should document their efforts aimed at compliance in support of any waiver request.<sup>8</sup> As set forth herein, Golden State Cellular meets the Commission's standards. The circumstances underlying the request present a special case that justifies a further limited E911 Phase II waiver and extension.

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<sup>3</sup> 47 C.F.R. § 1.3; *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969)).

<sup>4</sup> Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, *Fourth Memorandum Opinion and Order*, 15 FCC Rcd 17442, 17457-58, ¶¶ 43-44 (2000) (*E911 Fourth Memorandum Opinion and Order*).

<sup>5</sup> Revision of Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; Phase II Compliance Deadlines for Non-Nationwide Carriers, CC Docket 94-102, *Order*, 20 FCC Rcd 7709, 7709-7710 ¶1 (2005) (*Tier III Carriers Order*).

<sup>6</sup> *Tier III Carriers Order*, 20 FCC Rcd 7709, 7709-7710 ¶1; *Non-Nationwide Carriers Order*, 17 FCC Rcd at 14842-14843 ¶6.

<sup>7</sup> *E911 Fourth Memorandum Opinion and Order*, 15 FCC Rcd at 17458 ¶44.

<sup>8</sup> *Id.*

**V. Golden State Cellular Has a Plan to Achieve 95% Penetration**

100% of digital handsets newly activated on Golden State Cellular's system are ALI-capable and all new system construction is CDMA. Ongoing efforts to persuade customers to trade in old for new handsets have resulted in a drop of the percentage of non-ALI-capable handsets on the system from 28% to 10% during the first ten months of 2006. During this period the percentage of location-capable handsets rose from 72% to 90%, at an average rate of about 1.8% per month. While handset conversion accelerated during the early months of 2006, it slowed to an average pace of only 1.25% from June through October. Golden State Cellular has met an obstacle with the last set of subscribers who refuse to surrender analog phones that are more dependable and operate in a larger service range. Other users are reluctant to surrender older CDMA handsets already programmed with favorite telephone numbers and customized features.

Golden State Cellular expects that it will have convinced 95% of its subscribers to adopt ALI-capable handsets by June 15, 2007. The projected pace will permit Golden State Cellular to continue to operate analog services while improving its CDMA network and selling and activating only ALI-capable digital handsets.

**A. Intensification of Handset Promotion**

Golden State Cellular is stepping up efforts to convince customers to adopt new handsets. It is literally mailing free phones to non-ALI customers and encouraging them to adopt the new phones as replacement phones. The ALI-capable handsets are packed and wrapped in a box for protection during shipping and sent directly to the customer. Each phone is pre-programmed with the recipient customer's phone number. When the customer receives the phone an enclosed letter asks him to call in, whereupon Golden State Cellular instantly performs the ESN change and the new phone works

and is ready to go. The letter suggests that if the customer prefers a different model, he is welcome to visit a Golden State retail center for assistance.

### **B. Improvement of CDMA coverage**

Golden State plans to build six to eight new CDMA cell sites in 2007. Additionally, one cell and six analog repeaters will be incorporated into the CDMA network system over the next twenty-one months. They are: Tuolumne Meadows Metro Cell and repeaters Double Dome, Hawkins Peak, Mt. Lewis, Crane Flat, Wawona Point, and Kirkwood Chair Lift 2. Together these base station locations carried 0.64% of the system's total traffic from November 2005 through October 2006.

All of these analog facilities are located at elevations that receive significant snowfall each winter. Weather permitting, Golden State will add CDMA functionality to Mt. Lewis and Crane Flat by December 15, 2006. These two sites alone have been carrying 0.42 % of system traffic. The remaining sites carry 0.22% of traffic. By the end of second quarter 2007, CDMA will be added to Double Dome, Wawona Point, and Tuolumne Meadows Metro Cell, reducing the percentage of analog-only traffic 0.04%.

It is not feasible to "add" CDMA to two sites, Hawkins Peak and Kirkwood Chair Lift 2. They will be fully converted to CDMA after Golden State is permitted to deactivate analog facilities as of February 18, 2008. The conversion will likely be completed in the third quarter of 2008 because of difficult access to these two sites during winter.

Golden State Cellular will continue to augment its CDMA network, to conduct marketing campaigns, to offer free phones, and to encourage consumer adoption of new handsets with Phase II E911 capabilities. Given the rural character of Golden State Cellular's market and, for the time being, the reliance by some subscribers upon analog service and non-ALI-capable phones, it is



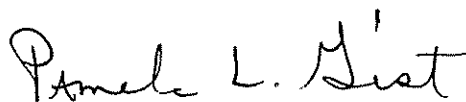
necessary for Golden State Cellular to respectfully request a further limited waiver and extension of the 95% penetration requirement.

### **Conclusion**

The foregoing reasons justify grant of a limited waiver of the Commission's Phase II E911 rules that will serve the public interest. Golden State Cellular requests a temporary waiver and extension of time through June 15, 2007 to achieve a location-capable handset penetration rate among subscribers of at least 95%. The public interest benefit in this case equals or exceeds that which the Commission has found in other instances to be sufficient for waiver, and the request meets the standards of the *Enhance 911 Act*. Therefore Golden State Cellular requests that a limited waiver and extension of Section 20.18(g)(1)(v) of FCC Rules be granted as proposed.

Respectfully submitted,

**California RSA No. 3 Limited Partnership  
d/b/a Golden State Cellular**

A handwritten signature in black ink that reads "Pamela L. Gist". The signature is written in a cursive style with a horizontal line underneath it.

David L. Nace  
Pamela L. Gist  
Its Attorneys

Lukas, Nace, Gutierrez & Sachs, Chartered  
1650 Tysons Blvd., Suite 1500  
McLean, Virginia 22102  
(703) 584-8678

November 29, 2006

**PSAP Consent to Extension of Time  
to Achieve 95% Penetration of Location-Capable Handsets**

**Pamela Gist**

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**From:** Jan Opie [JanO@STCG net]  
**Sent:** Thursday, November 16, 2006 6:18 PM  
**To:** Pamela Gist  
**Subject:** FW: E911 phone percentage extension request

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**From:** Harry, William [mailto:William.Harry@dgs.ca.gov]  
**Sent:** Thursday, November 16, 2006 1:23 PM  
**To:** Jan Opie  
**Cc:** Rhoe, Daphne; Pena, Donna  
**Subject:** RE: E911 phone percentage extension request

Hi Jan,

Thank you very much for your participation and cooperation with the State of California's deployment of Wireless E9-1-1. We are aware of the steady increase in the percentage of your customers converted to E911 capable phones and sincerely appreciate your contributions to our statewide deployment by going to Phase 2 E911 service with the CHP. We agree with your request for a six month extension to convince your customers who have not already done so to change out their older phones.

Regards,

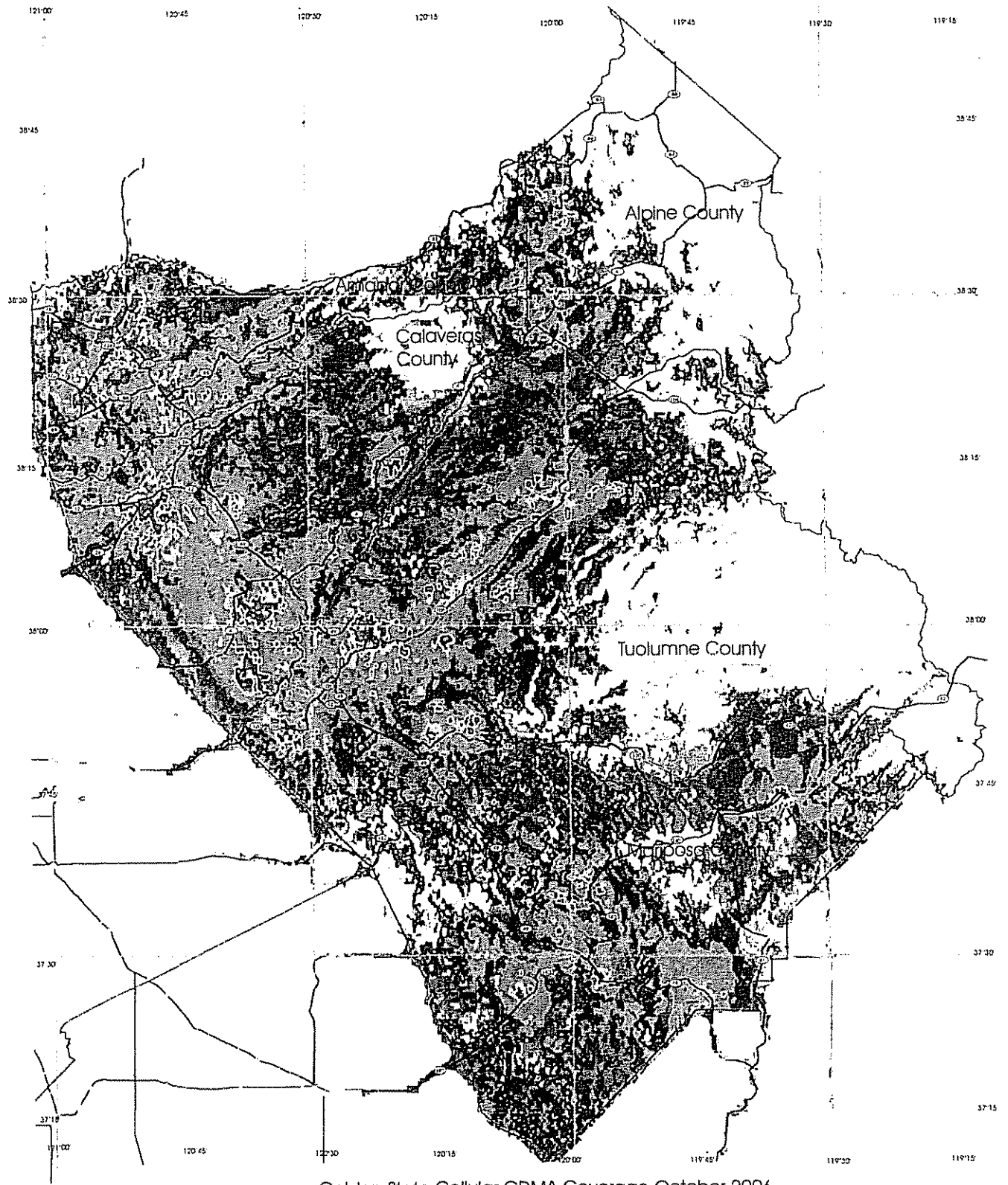
Bill

*William Harry, ENP*  
State Wireless E9-1-1 Coordinator  
CA 9-1-1 Emergency Communications Office  
916.657.9236  
william.harry@dgs.ca.gov

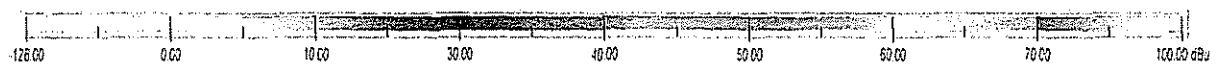
This message contains information that may be confidential and privileged. Unless you are the addressee (or authorized to receive messages for the addressee), you may not use, copy, or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender by reply e-mail and delete the message. Nothing in this message should be interpreted as a digital or electronic signature that can be used to authenticate a contract or any other legal document.

11/16/2006

## **Map of CDMA Coverage Area**



Golden State Cellular CDMA Coverage October 2006



## **Direct Contact with Customers Using Non-Location-Capable Handsets**

October 16, 2006

<customer address>

Dear <customer name>,

Picture this. You and your friend are driving along a lonely road. Suddenly a deer jumps out and hits the passenger side of the car seriously injuring your friend. You have your cell phone and can call 911; however, you realize you don't know exactly where you are and won't be able to give the emergency personnel your location.

E911 to the rescue. With Golden State Cellular's new enhanced 911 service your cell phone will give the emergency services people your location along with your call.

The problem is you have an older phone that is not E911 compatible, it won't send your location information so you have to sit and hope they can find you from the directions you were able to give them.

Don't let this happen to you. Come in to any of Golden State Cellular's retail locations and have one of our friendly sales staff exchange your current phone for a new digital E911 phone at little or no cost to you. There are many benefits from having an E911 capable phone. Primarily, you will have the security of knowing your new phone will send your location in an emergency. You will also be able to take advantage of Golden State Cellular's expanding digital coverage and enhanced services. Call 800-453-8255 for more information or come in and we will help you select a phone that meets your needs.

Sincerely,

Golden State Cellular

**Cover Letter for Shipments of Free Location-Capable Handsets**





# GOLDEN STATE

## CELLULAR

*Connecting Your World*

To whom it may concern;

Due to the recent E-911 law that has been passed, enclosed please find a new E-911 capable cell phone for you!! This new phone is free of charge compliments of Golden State Cellular. Also enclosed is information on the new E-911 law. Please contact your nearest GSC office to activate your new cell phone. If you are not satisfied with this model of cell phone, either visit or contact your nearest GSC retail store to find out what we can do to get you into a cell phone that fits your needs.

Thank you,

Golden State Cellular  
Customer Care Representative  
1.800.453.8255

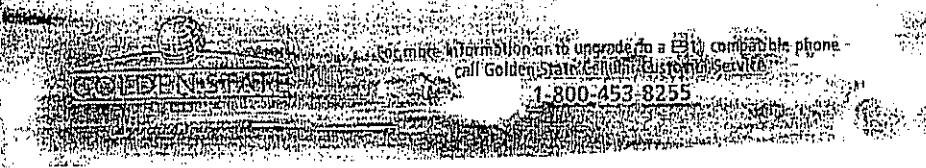


We hope calling 911 is never needed, but if it is, we want you to have the best possible help. To meet that goal, Golden State Cellular is working with the California Highway Patrol to enable rescue personnel to find you even if you cannot convey your location. Golden State Cellular and the California Highway Patrol are upgrading systems to enable this new enhanced 911 service. The system should be completed in late summer/early fall 2006.


Only E911 phones utilizing Golden State Cellular's network will be capable of location based 911 services. These include all phones purchased from Golden State Cellular since November 1, 2004. Older digital and analog phones do not have enhanced 911 location capabilities. If you aren't sure either stop by one of our stores or call our Customer Service at 800-453-8255. If you upgrade your handset, your location information will be automatically transmitted when you dial 911.

Please take advantage of Golden State Cellular's special offers on upgraded handsets.

You and your family will be glad you did.



**Insert and Advertisements Promoting Location-Capable Handsets**



**GOLDEN STATE  
CELLULAR**  
*Connecting Your World*

has your  
**safety**  
in mind.

**Important  
Subscriber Safety  
Information**

**E911**

gsc-99232

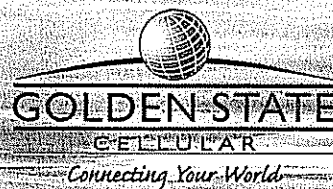


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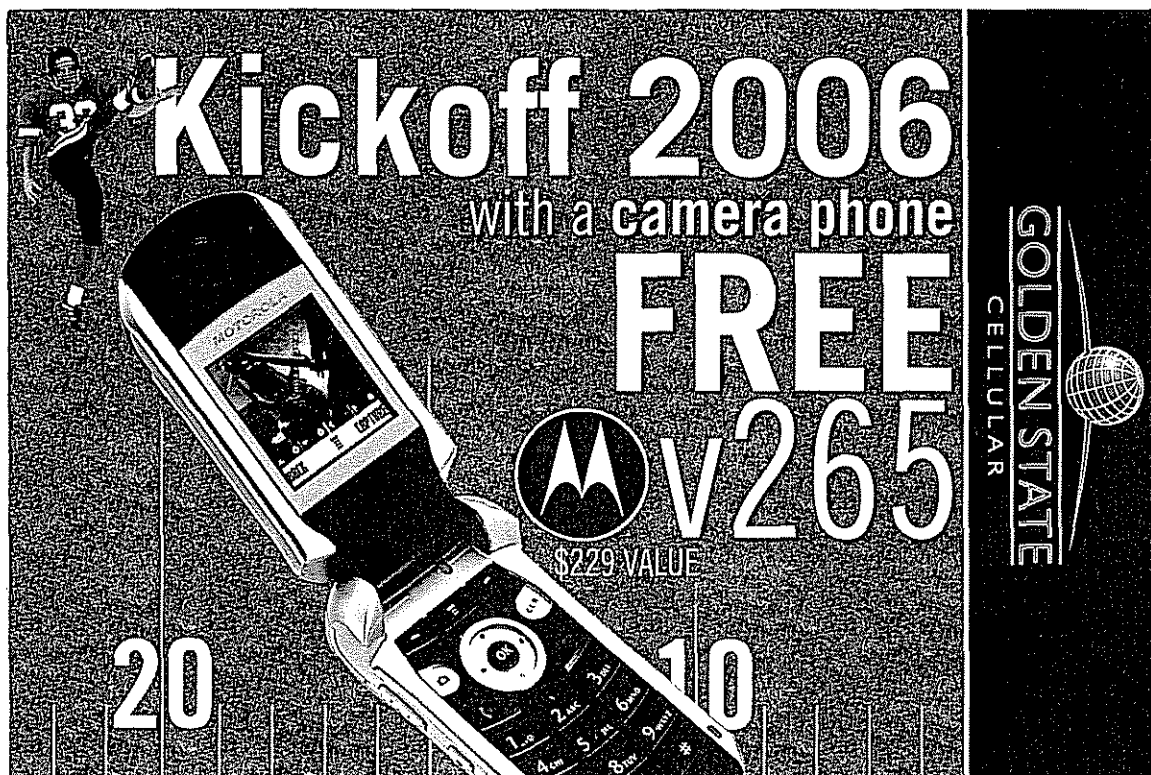
Only E911 phones utilizing Golden State Cellular's network will be capable of location based 911 services. These include all phones purchased from Golden State Cellular since November 1, 2004. **Older digital and analog phones do not have enhanced 911 location capabilities.** If you aren't sure either stop by one of our stores or call our Customer Service at 800-453-8255. If you upgrade your handset, your location information will be automatically transmitted when you dial 911.

Please take advantage of Golden State Cellular's special offers on upgraded handsets.

You and your family will be glad you did.



For more information or to upgrade to a E911 compatible phone  
call Golden State Cellular Customer Service  
**1-800-453-8255**



**Kickoff 2006**  
with a camera phone  
**FREE**  
**Motorola v265**  
\$229 VALUE

**GOLDEN STATE**  
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Renew your contract or Sign-up for New Service and Receive a FREE Motorola v265 a \$229 value with a two year agreement. Call and Reserve yours today or come by one of our 3 Convenient Locations.

**800-453-8255**

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To celebrate the season,  
we're giving you more time to talk.

**5000** Home Area Minutes for \$5<sup>00</sup>!



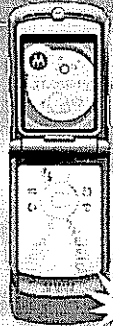
Nokia® 6265i

- Vibrant 240 x 320 color display
- Built-in Bluetooth wireless technology
- Built-in digital camera with flash and zoom
- Voice dialing
- Advanced audio and video streaming



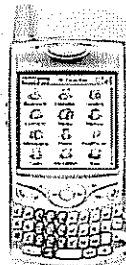
Nokia® 6235i

- VGA Camera (640 x 480 pixel) with video recording
- Streaming video
- 10 MB of memory for personal data
- Organize your calendar, reminders, to-do list, and notes
- Voice-dialing, reminders and recording
- Downloadable and pre-installed games and applications
- Weight: 3.46 ounces, size: 4.15 x 1.67 x 0.71 inches



Motorola® Razr V3

- Razor-thin, sleek aluminum case with feather-touch precision crafted keypad - 2.441 x 0.9 inches
- Bluetooth wireless technology
- MPEG4 video playback
- Built-in speakerphone
- Digital camera with 4x digital zoom
- PC synchronization to coordinate calendar and contact information



Palm® Treo 650

- Vibrant 320 x 320 touchscreen display
- Built-in Bluetooth wireless technology
- Built-in digital camera with video capture
- Innovative built-in QWERTY keyboard
- Get it real via POP3/IMAP4

\$99<sup>95</sup>\*

\$450<sup>00</sup> off

\*With a 2-year contract on plans \$34.99 or higher, while supplies last. Limited time offer.

#### Store Locations

<b>Sonoma</b> Timberhills Shopping Ctr. 1061 Mono Way 209-533-8844	<b>Jackson</b> Jackson Creek Plaza 525-4 Hwy. 49 209-223-5084	<b>Angels Camp</b> Angels Town Ctr. 210 South Main 209-736-0657
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For Additional Information, Call  
**800-453-8255**  
or Visit  
**GoldenStateCellular.com**



# This holiday's perfect gift

comes from Golden State Cellular.



NOKIA 6265i  
See back page  
for more details.

**GOLDEN STATE  
CELLULAR®**

Connecting Your World

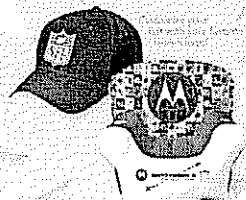
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Wrap up something special  
for your favorite sports fan.

## NFL RAZR BUNDLE!

Team up your RAZR with  
a FREE Bluetooth®  
Headset.

For a Limited Time Only!



### NFL Razr Bundle

Bundle includes:

- 1 V3C Razr
- 1 Bluetooth headset

- 1 NFL inflatable chair
  - 1 packet of phone tattoos
  - 1 Mail-in certificate for NFL hat
- All packaged in one box

**\$99.95\*\***

And don't forget the extra talk minutes, when there's a good game on, your fan can't wait to share it with their friends. Check out the great deal on the back page: 5000 Home Minutes for \$5.00 will definitely keep them up to the minute on the game!

\*\*The price on the phone is \$99.95 with a 2-year contract and with a new activation fee of \$34.99 plus or higher, while supplies last. Limited time offer.

**WANTED**  
**GINGULAR**  
**CUSTOMERS**

We want YOU  
as a customer!

We'll even give you a  
**REBATE\*** of up to  
**\$175**

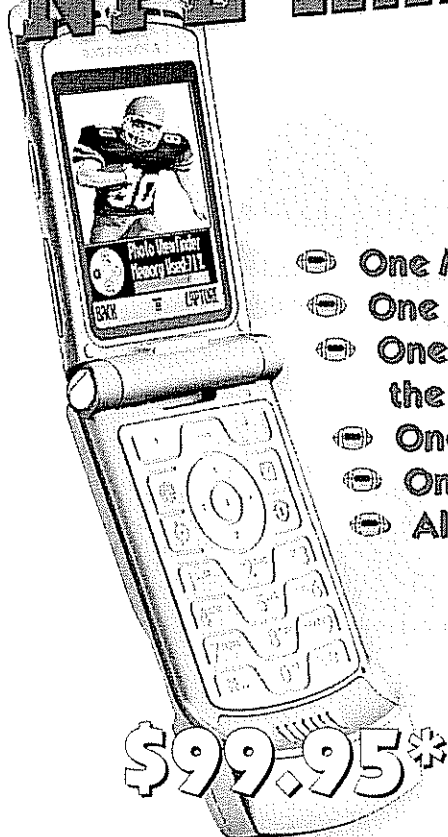
to off-set your cancellation fee.

**GOLDEN STATE**  
**CELLULAR**  
*Connecting Your World*

\* The rebate amount will be issued to the customer's Golden State Cellular account as a credit once the customer brings in their Cingular Wireless invoice showing the cancellation fee being charged to them. The credit will match the cancellation fee up to \$175 per phone activated with Golden State Cellular.



# FOR THAT SPECIAL SPORTS FAN NFL RAZR BUNDLE!



**\$99.95\***

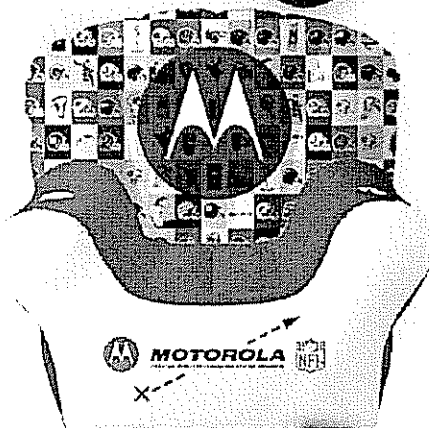
- One Motorola® Razr V3C!
- One H3 Bluetooth headset!
- One officially licensed hat with the NFL team logo of your choice!
- One Phone tattoo pack!
- One NFL inflatable chair!
- All packaged in one box.

Official NFL Hat with  
NFL logo of your choice

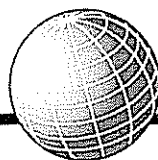


## Motorola® Razr V3

- Razor-thin aircraft aluminum case with feather-touch precision crafted keypad
- Bluetooth wireless technology
- MPEG4 video playback
- Built-in speakerphone
- Digital camera with 4x digital zoom
- PC synchronization to co-ordinate calendar and contact information



NFL inflatable chair  
with cupholders



**GOLDEN STATE**  
CELLULAR

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SONORA • ANGELS CAMP • JACKSON

ASK ABOUT OUR FREE PHONES

## **DECLARATION**

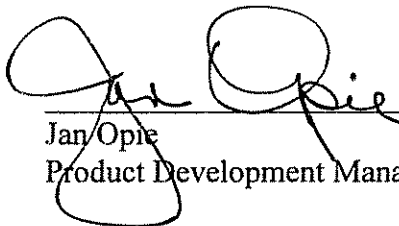
I, Jan Opie, hereby state and declare:

1. I am Product Development Manager for California RSA No. 3 Limited Partnership d/b/a Golden State Cellular, a wireless telecommunications services operator and the Petitioner herein.

2. I am familiar with the facts contained in the foregoing "Request For Additional Limited Waiver And Extension of the Handset Penetration Deadline Of The Commission's Phase II E911 Rules" and I verify that those facts are true and correct to the best of my knowledge and belief, except that I do not and need not attest to those facts which are subject to official notice by the Commission.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 29<sup>th</sup> day of November, 2006.

  
\_\_\_\_\_  
Jan Opie  
Product Development Manager